

DATE

Mr. Richard L. Traina
Steeg Law Firm, LLC
201 St. Charles Avenue
Suite 3201
New Orleans, LA 70170

**Re: Ethics Board Docket No. 2021-1037
Advisory Opinion**

Dear Mr. Traina:

The Louisiana Board of Ethics, at its January 7, 2022 meeting, considered your request for an advisory opinion as to any post-termination prohibitions in the Code of Governmental Ethics following your retirement as an Assistant Attorney General providing legal services to the Louisiana Department of Natural Resources.

FACTS PROVIDED

You stated that you retired as an Assistant Attorney General at the Louisiana Department of Justice on June 4, 2021. During your seven years at the Attorney General's Office, you worked in the Land and Natural Resources Section of the Civil Division providing legal assistance in litigation matters.

You requested an opinion of this Board in Docket No. 2021-353 whereby the Board opined that the Code of Governmental Ethics would prohibit you from handling litigation matters for the Office of State Lands because new litigation involves the same services you provided during your employment with the Louisiana Department of Justice. Further, the Board concluded that the Ethics Code would not prohibit you from handling litigation matters for other state entities, provided that you did not participate in those matters while employed with the Department of Justice.

In August 2021, your new employer, Steeg Law Firm, LLC, was approached by your former colleagues in the Civil Division of the Department of Justice for you to participate on behalf of the Louisiana Department of Natural Resources in Crooks v. DNR, Case No. 224262, 9TH Judicial District Court, Rapides Parish. You did not work on the Crooks matter while you were employed

at the Department of Justice. During the trial, you cross examined two expert witnesses; and, Steeg Law Firm has submitted invoices to the Department of Natural Resources for your services, which have not been paid.

During your employment with the Department of Justice, you worked on State of La., through the Dep't of Wildlife and Fisheries and the Dept. of Nat. Res. v. Clovelly Oil Co., LLC, Case No. 135219, 16TH Judicial district Court, St. Mary Parish. However, your work on the Clovelly Oil matter was minimal, and was limited to participating in one meeting in January 2020 with representatives of the Department of Wildlife and Fisheries, not with any representatives of the Department of Natural Resources. You never spoke with anyone at the Department of Natural Resources regarding this matter, but did offer comments to defense counsel for the Department of Wildlife and Fisheries relative to the petition and suggested edits to letters about settlement signed by others in the Office of State Lands and Department of Natural Resources.

LAW

La. R.S. 42:1121B(1) prohibits a former public employee, for a period of two years following the termination of his public employment, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

ANALYSIS

During your employment with the Department of Justice, you did not work on the Crooks matter, which you did provide legal assistance on after your retirement from the Department of Justice. Furthermore, the Crooks matter does not involve the Office of State Lands. The general rule prohibits you from assisting another person for compensation in connection with a transaction or legal service in which you participated while employed by the Department of Justice and from handling new litigation matters for the Office of State Lands because new litigation involves the same service that you provided during the term of your employment with the Department of Justice.

CONCLUSION

The Board concluded, and instructed me to inform you, that La. R.S. 42:1121B(1) of the Code of Governmental Ethics would not prohibit you from assisting the Louisiana Department of Natural Resources in the Crooks matter, since you did not participate in this matter while you were employed with the Department of Justice and it does not involve the Office of State Lands.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. Please note that the Board issues no opinion as to past conduct and that the Board's

expressed opinion is limited to an examination of the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions in the gaming laws.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.
No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.